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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/675,193
Filing Date: September 30, 2003
Appellant(s): KARAOGUZ ET AL.

Mr. Frankie W. Wong
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 9, 2010 appealing from the Office action mailed March 15, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1 through 36 are pending in the instant application, all of which have been rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,766,956 B1	Boylan, III et al.	07-2004
5,675,647	Garneau et al.	10-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boylan, III et al., United States Patent (6,766,956 B1) hereinafter "Boylan" in view of Garneau et al. United States Patent (5,675,647) hereinafter "Garneau".

In regards to Claim 1, Boylan teaches a method for providing on a television screen within a home, access to selected ones of a plurality of media files stored outside of the home (as introduced in Col. 9 Line 37—Col. 10 Line 27 and generally shown in Figs. 4 and 5; with further reference to Col. 2 Lines 18-23 and Figs. 7-15), the method comprising:

associating, outside of the home, a plurality of key codes with a corresponding plurality of media files, each of said plurality of key codes corresponding to a plurality of key sequences (“codes”, as defined in Col. 1 Lines 46-65, such as a bar-code, are associated with media from sites such as a web-site, a television distribution facility, or a data service provider, as described in Col. 2 Lines 3-64);

receiving one of said plurality of key sequences via manual input within the home (operations can be performed “while at home” and “within the home”, as described in Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27); and

communicating said one of said plurality of media files to the home, for display on the television screen (Steps 508-512 as described in Col. 10 Lines 7-27, where types of “information” and “actions” are described in Col. 2 Lines 42-64; with further reference to Col. 11 Line 39—Col. 12 Line 52).

Boylan discloses the use of key codes for accessing promotional content communicated from a broadcast distribution facility, as described above, but does not explicitly describe authorizing communication of one of said plurality of media files

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corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes; and communicating a media file if said communication is authorized.

In a similar field of invention, Garneau teaches a method and system for broadcasting promotions of service available to valid subscribers, where each promotion is associated with a specific promotion code (Abstract). In particular, Garneau discloses that a code entered by the subscriber is validated at Checking System 24 of Fig. 1 and, when the code is determined to be valid, the subscriber is provided access to the promotional content (as described in Col. 7 Line 39—Col. 8 Line 27).

Both Boylan and Garneau teach similar techniques for the distribution of promotional content in response to a user entering a corresponding access code. Boylan's system unconditionally distributes the promotional content to the user in response to the entry of the code. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Boylan to include the authorization process prior to distribution, as taught by Garneau, so that premium content or content that requires payment (i.e. pay-per view) can also be distributed to requesting users (as Garneau suggests in Col. 1 Lines 13-47), which would generate revenue for the broadcaster.

In regards to Claim 2, the combination of Boylan and Garneau teach the method according to Claim 1, comprising determining whether said received one of said

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received plurality of key sequences is associated with an existing function for media exchange (Boylan: Step 704 of Fig. 7, depicting a determination if code is stored in remote Database 114, as described in Col. 10 Line 59—Col. 11 line 10).

In regards to Claim 3, the combination of Boylan and Garneau teach the method according to Claim 2, comprising, if said received one of said received plurality of key sequences is associated with said existing function for media exchange, requesting at least one media file associated with said existing function for media exchange (Boylan: Step 706 of Fig. 7, depicting the retrieval of information associated with the code from Database 114, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

In regards to Claim 4, the combination of Boylan and Garneau teach the method according to Claim 2, comprising, if said received one of said received plurality of key sequences is associated with said existing function for media exchange, receiving at least one media file associated with said existing function for media exchange (Boylan: Step 710 of Fig. 7, where requested information is sent to the user, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

In regards to Claim 5, the combination of Boylan and Garneau teach the method according to Claim 2, comprising, if said received one of said received plurality of key

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sequences is associated with said existing function for media exchange, displaying at least one media file associated with said existing function for media exchange (Boylan: Step 510 of Fig. 5, where requested information is presented to the user, as described in Col. 10 Lines 12-27; with further reference to example display screens of Figs. 9, 10, 12, 13, and 15).

In regards to Claim 6, the combination of Boylan and Garneau teach the method according to Claim 1, comprising notifying a user of said one of said plurality of key sequences that is associated with a function for media exchange (Boylan: the user is notified of the existence of a code, for example, by way of advertisements in a newspaper, periodicals, or on a television screen, as described in Col. 14 Lines 38-46; with further reference to Col. 1 Lines 46-65).

In regards to Claim 31, the combination of Boylan and Garneau teach the method according to Claim 1, wherein said associated plurality of key codes provide authorization to access an existing function for media exchange (Garneau teaches authorizing access to pay per view content, as described in Col. 5 Lines 61-67 and suggests other services, such as banking, as described in Col. 1 Lines 42-47).

In regards to Claim 32, the combination of Boylan and Garneau teach the method according to Claim 31, comprising accessing media information related to said existing function for media exchange using said associated plurality of key codes

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(Boylan teaches accessing a movie trailer associated with the code, as described in Col. 15 Lines 22-50).

In regards to Claim 33, the combination of Boylan and Garneau teach the method of Claim 31, wherein said associated plurality of key codes provide authorization to access an existing function for media exchange based on a payment of a fee (Garneau teaches billing users for requested pay per view content by way of Billing Unit 39, as described in Col. 8 Lines 38-47).

In regards to Claim 7, Boylan teaches a machine-readable storage having stored thereon, a computer program having at least one code section for providing on a television screen within a home, access to selected ones of a plurality of media files stored outside of the home, the at least one code section being executable by a machine for causing the machine (Docking Station 130 of Figs. 2A and 2B, as described in Col. 6 Line 34—Col. 8 Line 9, performing the process as introduced in Col. 9 Line 37—Col. 10 Line 27 and generally shown in Figs. 4 and 5; with further reference to Col. 2 Lines 18-23 and Figs. 7-15) to perform steps comprising:

associating, outside of the home, a plurality of key codes with a corresponding plurality of media files, each of said plurality of key codes corresponding to a plurality of key sequences (“codes”, as defined in Col. 1 Lines 46-65, such as a bar-code, are associated with media from sites such as a web-site, a television distribution facility, or a data service provider, as described in Col. 2 Lines 3-64);

receiving one of said plurality of key sequences via manual input within the home (operations can be performed “while at home” and “within the home”, as described in Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27); and

communicating said one of said plurality of media files to the home, for display on the television screen (Steps 508-512 as described in Col. 10 Lines 7-27, where types of “information” and “actions” are described in Col. 2 Lines 42-64; with further reference to Col. 11 Line 39—Col. 12 Line 52).

Boylan discloses the use of key codes for accessing promotional content communicated from a broadcast distribution facility, as described above, but does not explicitly describe authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes; and communicating a media file if said communication is authorized.

In a similar field of invention, Garneau teaches a method and system for broadcasting promotions of service available to valid subscribers, where each promotion is associated with a specific promotion code (Abstract). In particular, Garneau discloses that a code entered by the subscriber is validated at Checking System 24 of Fig. 1 and, when the code is determined to be valid, the subscriber is provided access to the promotional content (as described in Col. 7 Line 39—Col. 8 Line 27).

Both Boylan and Garneau teach similar techniques for the distribution of promotional content in response to a user entering a corresponding access code. Boylan's system unconditionally distributes the promotional content to the user in response to the entry of the code. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Boylan to include the authorization process prior to distribution, as taught by Garneau, so that premium content or content that requires payment (i.e. pay-per view) can also be distributed to requesting users (as Garneau suggests in Col. 1 Lines 13-47), which would generate revenue for the broadcaster.

The limitations of Claim 8 are addressed in Claims 7 and 2.

The limitations of Claim 9 are addressed in Claims 7 and 3.

The limitations of Claim 10 are addressed in Claims 7 and 4.

The limitations of Claim 11 are addressed in Claims 7 and 5.

The limitations of Claim 12 are addressed in Claims 7 and 6.

The limitations of Claim 34 are addressed in Claims 7 and 31.

The limitations of Claim 35 are addressed in Claims 7 and 32.

The limitations of Claim 36 are addressed in Claims 7 and 33.

In regards to Claim 13 Boylan teaches a method for providing media content, the method comprising:

receiving a key code corresponding to at least one media exchange function associated with a media program generated by a third (3rd) party provider of media, said key code corresponding to at least one key sequence, and said key code associated with said media program ('NO' determination at Step 704 when code received from user at Step 702 is not stored in Database 114, as described in Col. 10 Line 59—Col. 11 line 10), and said key sequence received via manual input within a home (as described in Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27);

communicating one or both of said key code and data representative of said key code to said third (3rd) party media provider (Step 708 of Fig. 7, if code is not stored in remote Database 114 then information is retrieved from a third party such as a web site, as described in Col. 10 Line 59—Col. 11 line 10); and

in response to said communicated one or both of said key code associated with said media program and data representative of said key code, receiving media content of said media program, said media content corresponding to said key code and said at least one media exchange function from at least said third (3rd) party media provider (Step 710 of Fig. 7, where requested information is sent to the user, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

Boylan discloses the use of key codes for accessing promotional content communicated from a broadcast distribution facility, as described above, but does not

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explicitly describe receiving a media file if authorized using one or both of said key code and data representative of said key code.

In a similar field of invention, Garneau teaches a method and system for broadcasting promotions of service available to valid subscribers, where each promotion is associated with a specific promotion code (Abstract). In particular, Garneau discloses that a code entered by the subscriber is validated at Checking System 24 of Fig. 1 and, when the code is determined to be valid, the subscriber is provided access to the promotional content (as described in Col. 7 Line 39—Col. 8 Line 27).

Both Boylan and Garneau teach similar techniques for the distribution of promotional content in response to a user entering a corresponding access code. Boylan's system unconditionally distributes the promotional content to the user in response to the entry of the code. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Boylan to include the authorization process prior to distribution, as taught by Garneau, so that premium content or content that requires payment (i.e. pay-per view) can also be distributed to requesting users (as Garneau suggests in Col. 1 Lines 13-47), which would generate revenue for the broadcaster.

In regards to Claim 14, the combination of Boylan and Garneau teach the method according to Claim 13, comprising determining whether said key code is associated with an existing media exchange function (Boylan: Step 704 of Fig. 7,

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depicting a determination if code is stored in remote Database 114, as described in Col. 10 Line 59—Col. 11 line 10).

In regards to Claim 15, the combination of Boylan and Garneau teach the method according to Claim 14, comprising, if said key code is associated with said existing media exchange function, requesting said received media content corresponding to said key code and said at least one media exchange function from said third (3rd) party media provider (Boylan: If data is stored at Database 114, then in Step 706 of Fig. 7 the retrieval of information associated with the code is executed, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

In regards to Claim 16, the combination of Boylan and Garneau teach the method according to Claim 14, comprising, if said key code is unassociated with said existing media exchange function, initiating the creation of a new media exchange function corresponding to said key code (Boylan: Step 708 of Fig. 7, if code is not stored in remote Database 114 then information is retrieved from a third party such as a web site, as described in Col. 10 Line 59—Col. 11 line 10).

In regards to Claim 17, the combination of Boylan and Garneau teach the method according to Claim 13, comprising transferring said received media content corresponding to said key code and said at least one media exchange function from

said third (3rd) party media provider to a media processing system (Boylan: Steps 708 to 710 of Fig. 7 where requested information is sent to the user from third party, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

In regards to Claim 18, the combination of Boylan and Garneau teach the method according to Claim 13, comprising presenting at least a portion of said received media content corresponding to said key code and said at least one media exchange function to said user (Boylan: Step 510 of Fig. 5, where requested information is presented to the user, as described in Col. 10 Lines 12-27; with further reference to example display screens of Figs. 9, 10, 12, 13, and 15).

In regards to Claim 19, the combination of Boylan and Garneau teach the method according to Claim 13, comprising displaying at least a portion of said received media content corresponding to said key code and said at least one media exchange function on a television screen of said media processing system (Boylan: Step 510 of Fig. 5, where requested information is presented to the user, as described in Col. 10 Lines 12-27; with further reference to example display screens of Figs. 9, 10, 12, 13, and 15 and Output Device 210 such as a television monitor, as described in Col. 7 Lines 15-28).

In regards to Claim 20, the combination of Boylan and Garneau teach the method according to Claim 13, comprising notifying a user of availability of said key code associated with said media program generated by said third (3rd) party media provider (Boylan: the user is notified of the existence of a code, for example, by way of advertisements in a newspaper, periodicals, or on a television screen, as described in Col. 14 Lines 38-46; with further reference to Col. 1 Lines 46-65).

In regards to Claim 21, The combination of Boylan and Garneau teach a system for providing media content (generally shown in Fig. 1, as introduced in Col. 5 Line 39—Col. 6 Line 33), the system comprising:

at least one processor (Remote Site 110 of Fig. 1, as described in Col. 5 Line 50—Col. 6 Line 33) operable to receive a key code corresponding to at least one media exchange function associated with a media program generated by a third (3rd) party media provider, said key code corresponding to at least one key sequence, said key code associated with said media program ('NO' determination at Step 704 when code received from user at Step 702 is not stored in Database 114, as described in Col. 10 Line 59—Col. 11 line 10), and said key sequence received via manual input within a home (as described in Col. 3 Line 56—Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27);

said at least one processor is operable to communicate one or both of said key code and data representative of said key code to said third (3rd) party media provider (Step 708 of Fig. 7, if code is not stored in remote Database 114 then information is

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retrieved from a third party such as a web site, as described in Col. 10 Line 59—Col. 11 line 10); and

in response to said communicated at least one of said key code associated with said media program and data representative of said key code, said at least one processor is operable to receives media content of said media program, said media content corresponding to said key code and said at least one media exchange function from at least said third (3rd) party media provider (Step 710 of Fig. 7, where requested information is sent to the user, as described in Col. 10 Line 59—Col. 11 line 10; with further reference to types of media files described in Col. 2 Lines 43-64).

Boylan discloses the use of key codes for accessing promotional content communicated from a broadcast distribution facility, as described above, but does not explicitly describe receiving a media file if authorized using one or both of said key code and data representative of said key code.

In a similar field of invention, Garneau teaches a method and system for broadcasting promotions of service available to valid subscribers, where each promotion is associated with a specific promotion code (Abstract). In particular, Garneau discloses that a code entered by the subscriber is validated at Checking System 24 of Fig. 1 and, when the code is determined to be valid, the subscriber is provided access to the promotional content (as described in Col. 7 Line 39—Col. 8 Line 27).

Both Boylan and Garneau teach similar techniques for the distribution of promotional content in response to a user entering a corresponding access code.

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Boylan's system unconditionally distributes the promotional content to the user in response to the entry of the code. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Boylan to include the authorization process prior to distribution, as taught by Garneau, so that premium content or content that requires payment (i.e. pay-per view) can also be distributed to requesting users (as Garneau suggests in Col. 1 Lines 13-47), which would generate revenue for the broadcaster.

The limitations of Claim 22 are addressed in Claims 21 and 14.

The limitations of Claim 23 are addressed in Claims 21 and 15.

The limitations of Claim 24 are addressed in Claims 21 and 16.

The limitations of Claim 25 are addressed in Claims 21 and 17.

The limitations of Claim 26 are addressed in Claims 21 and 18.

The limitations of Claim 27 are addressed in Claims 21 and 19.

The limitations of Claim 28 are addressed in Claims 21 and 20.

In regards to Claim 29, The combination of Boylan and Garneau teach the system according to Claim 21, wherein said at least one processor is operable receive said key code generated by one or more of a remote control device, a keyboard, a scanning device and/or an audio processing device (Code Scanning Equipment 306 of Portable Device 150 as shown in Fig. 3 and described in Col. 8 Line 11—Col. 9 Line 37; with further reference to User Interface 212, as described in Col. 7 Lines 29-33).

In regards to Claim 30, The combination of Boylan and Garneau teach the system according to Claim 21, wherein said at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and/or a media peripheral processor (Remote Site 110 functions as a media management system processor, as described in Col. 5 Line 50—Col. 6 Line 33).

(10) Response to Argument

The Examiner respectfully disagrees that the rejection should be reversed. Only those arguments having been raised are being considered and addressed in the Examiner's Answer. Any further arguments regarding other elements or limitations not specifically argued or any other reasoning regarding deficiencies in a prima facie case of obviousness that the Appellant could have made are considered by the Examiner as having been conceded by the Appellant for the basis of the decision of this appeal. They are not being addressed by the Examiner for the Board's consideration. Should the panel find that the Examiner's position/arguments or any aspect of the rejection is not sufficiently clear or a particular issue is of need of further explanation, it is respectfully requested that the case be remanded to the Examiner for further explanation prior to the rendering of a decision.¹

¹ See 37 CFR 41.50(a)(1) and MPEP 1211.

Discussion of Rejections of independent Claims 1, 7, 13, and 21 under 35 USC 103(a) as being unpatentable over Boylan and Garneau.

Appellant presents (Appeal Brief received August 9, 2010 (“Brief”) Pages 12-19) that the combination of Boylan and Garneau does not disclose or suggest “...authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes” because “[f]or example, Garneau’s ‘promotion code’ (the alleged ‘key code’) and the ‘validation code’ are not the same, as alleged by the Examiner... [i]n other words, Garneau does not disclose or suggest that **the same code, which** is used for associating with the media (i.e. pay per view programs), **is also used for authorizing the communication of the media**” (emphasis added by Appellant, Brief middle of Page 14; with further reference to Pages 12-13). Additionally, in response to the Examiner’s comments in Advisory Action mailed June 1, 2010 (quoted by Appellant on Page 16 of Brief), Appellant further presents that:

“The Examiner’s argument is still deficient, because Appellant’s claim 1 clearly recites ‘associating, outside of the home, a plurality of key codes with a corresponding plurality of media files...’ In other words, the entire portion of Appellant’s plurality of key codes corresponds to the plurality of media files. Garneau’s subscriber terminal ID, at least in this respect, does not correspond to the media files.” (Brief top of Page 17).

The Examiner respectfully disagrees.

As the Examiner has previously presented (Final Office Action mailed March 15, 2010 (“Office Action”), Pages 4-6), “Boylan discloses the use of key codes for accessing promotional content communicated from a broadcast distribution facility” (as introduced in Abstract and Fig. 5; as presented in Office Action Pages 4-5) “but does not explicitly describe authorizing... and ...communicating...” (as presented in Office Action Pages 5-

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6). The Examiner notes that Garneau is not solely used to address Appellant's claimed "key codes". In particular, for example, Boylan is relied upon to demonstrate the "associating... a plurality of key codes with a corresponding plurality of media files" by way of "codes" such as a bar-code, which are associated with media from sites such as a web-site, a television distribution facility, or data service provider (as Boylan describes in Col. 1 Lines 46-65 and Col. 2 Lines 3-64; with further reference to Office Action Page 4). To complement the teachings of Boylan, the Examiner has relied upon Garneau to demonstrate the claimed "authorizing... and ...communicating" steps of Claim 1 (Office Action Pages 5-6; with further reference to Garneau Col. 7 Line 39—Col. 8 Line 27). In particular, Garneau discloses providing a "promotion code" (also referred to by Garneau as a "program code"), which a subscriber can enter as part of a 14 digit event request code for a specifically desired service such as a pay per view program (Col. 5 Lines 61-67 and Col. 6 Lines 22-31). The Examiner has additionally cited that Garneau teaches the claimed "authorizing..." by way of the acceptance of a password that is provided to the subscriber in response to the correct decryption of the event request code, which provides access to a desired program (Col. 8 Lines 14-27).

The Examiner acknowledges that multiple codes are involved in Garneau's process of authorizing communication of a media file. In particular, Garneau discloses that "[i]n accordance with a successful embodiment, the 14 digit code was in the general format: AAAAAAEEECBBBV" where AAAAAA identifies the subscriber terminal, EEE "is a field that contains the number of the service or pay per view event ordered by the subscriber", and V is a validation code (elements of the 14 digit code are completely

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defined in Col. 7 Lines 1-37), where the Examiner construes the EEE portion of the 14 digit code to be the “program code” and the whole 14 digit code to be the “event request code”, as introduced above. The Examiner additionally acknowledges that the AAAAAA portion, which is the subscriber terminal ID, is not itself associated with a media file, however, the EEE portion, which is the program code, is clearly associated with a media file, such as a pay per view event or other service.

In response to Appellant’s arguments, the Examiner initially notes that Claim 1 includes the language of: “[a] method... comprising...”, “associating... a plurality of key codes with a corresponding plurality of media files...”, and “...authorizing using said associated plurality of key codes”. It is the Examiner’s position that the claim language “comprising” and “using” do not preclude additional steps or elements from the claimed limitations. With respect to the teachings of Garneau, it is the Examiner’s position that incorporation of the subscriber terminal ID or a validation code within the event request code does not diminish the fact that the event request code also contains the program code that is associated with the media file. Therefore, the Examiner submits that Garneau is using the program code as part of the authorization process because the program code is an element of the event request code, where the event request code is used to authorize access to a desired program based on the program code.

The Examiner therefore submits that the combination of Boylan and Garneau teach the Claim 1 (and similarly Claim 7, 13, and 21) limitation of “...authorizing communication of one of said plurality of media files corresponding to at least one of

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said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes”

Discussion of Rejections of independent Claims 2-6, 8-12, 14-20, and 22-36 under 35 USC 103(a) as being unpatentable over Boylan and Garneau.

No additional arguments (Brief Page 19) are presented over and above those previously addressed. Accordingly, the rejection is believed to be proper for the previously addressed reasoning.

Discussion of Rejections of independent Claims 6, 12, 20, and 28 under 35 USC 103(a) as being unpatentable over Boylan and Garneau.

Appellant presents (Brief Pages 19-20) that the combination of Boylan and Garneau does not disclose or suggest “notifying a user of said one of said plurality of key sequences that is associated with a function for media exchange” because Boylan discloses “**notifying the subscriber in advance** of the existence of a code, for example, by way of advertisements in a newspaper, periodicals, or on a television screen.” Appellant additionally notes that “claim 6 recites that the user is notified of the ‘one of said plurality of key sequences that is associated with a function for media exchange’, **only after the steps in claim 1 have been carried out**” (Brief Page 19-20; emphasis added by Appellant).

The Examiner respectfully disagrees. It is the Examiner’s position that Claim 6 does not require the step of “notifying” to occur in any particular order, such that, even if (as argued by Appellant) Boylan’s “notifying” occurs in advance of the existence of a

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code, Boylan's teaching of notification by way of newspaper, periodicals, or on a television screen is sufficient to address the claim limitation.

The Examiner therefore maintains that the combination of Boylan and Garnea teach the limitation of "notifying a user of said one of said plurality of key sequences that is associated with a function for media exchange" as required by Claims 6, 12, 20, and 28.

Discussion of Rejections of independent Claims 31, 33-34, and 36 under 35 USC 103(a) as being unpatentable over Boylan and Garneau.

No additional arguments (Brief Page 20) are presented over and above those previously addressed. Accordingly, the rejection is believed to be proper for the previously addressed reasoning.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Patrick A Ryan/
Examiner, Art Unit 2427

Conferees:

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427

/Jason P Salce/
Primary Examiner, Art Unit 2421